

420 KAR 1:030. Management of surface water and groundwater in the Kentucky River basin.

RELATES TO: KRS 151.100-151.600, 151.700-151.730, 151.990, 223.400-223.460, 224.70, 224.73

STATUTORY AUTHORITY: KRS 151.710, 151.720, 151.725, 151.730

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151.700 through 151.730 authorize the Kentucky River Authority to manage the surface water and groundwater of the Kentucky River basin. The authority has the power and duty to develop and to implement programs relating to the locks and dams on the Kentucky River; to acquire, to sell and to lease property; to develop recreational areas; to issue revenue bonds; to assess fees for water use; to contract for services; to adopt administrative regulations protecting water in the Kentucky River basin; to develop and to implement comprehensive plans for protecting the water of the Kentucky River basin; and to collaborate with the Natural Resources and Environmental Protection Cabinet and other state agencies in coordinating Kentucky River basin water resource and water quality activities. This administrative regulation explains certain powers and duties and imposes certain requirements relating to management of surface water and groundwater in the Kentucky River basin.

Section 1. Scope and Applicability. (1) Purpose. It shall be the purpose of this administrative regulation to manage the surface water and groundwater of the Kentucky River basin.

(2) Compatibility. The authority's administrative regulations set forth in this chapter shall be interpreted to be compatible with the statutes and administrative regulations administered by the cabinet.

Section 2. Collection and Dissemination of Information. The authority may conduct research, collect and interpret data, assemble a data base, and disseminate reports on water management issues. Those water management issues include:

- (1) The relationship of water to other natural resources;
- (2) Wastewater treatment technology;
- (3) Groundwater movement and other hydrogeologic conditions;
- (4) The relationship between water price and water demand;
- (5) Hydrologic conditions;
- (6) Groundwater and surface water quality;
- (7) Water use;
- (8) Water resource planning needs;
- (9) Conservation and development issues;
- (10) Allocation of water resources;
- (11) Management, including operation, maintenance and replacement of locks and dams; and
- (12) Social, economic, demographic and political issues affecting water resources.

Section 3. County Long-range Water Resource Plans. (1) Scope. Each county located in whole or in part within the Kentucky River basin shall develop and submit to the authority a long-range water resource plan.

(2) Contents of the plan. Each long-range water resource plan shall include the following:

- (a) A water supply plan;
- (b) A water shortage response plan for each water supplier and water supply distributor in the county that uses water withdrawn from the Kentucky River basin or serves customers in the Kentucky River basin;
- (c) A water resources map providing coverage for the portions of the county that lie within the Kentucky River basin; and

(d) A map of all potential sources of water pollution for the portions of the county that lie within the Kentucky River basin, including potential sources of water pollution affecting the water supply protection area of a water supplier, if the authority is able to provide the funding necessary for creating the map.

(3) Deadline for submitting the plan. Each county shall submit to the authority its long-range water resource plan within thirty (30) days after the county obtains the cabinet's approval of its water supply plan.

Section 4. Unified Long-range Water Resource Plan. The authority shall prepare a unified long-range water resource plan for the Kentucky River basin, which shall at a minimum address the following:

(1) Physical, chemical and biological conditions existing in the surface water and groundwater of the Kentucky River basin;

(2) The construction, acquisition, operation and control of projects and facilities for the storage and release of water;

(3) The regulation of flows and allocation of supplies of surface water and groundwater within the basin;

(4) Protection of public health;

(5) Means of controlling surface water and groundwater quality;

(6) Economic development;

(7) Improvement of fisheries;

(8) Development of recreational opportunities and recreational areas;

(9) Abatement of water pollution;

(10) The design, construction, operation and maintenance of projects and facilities for floodplain protection and flood damage reduction;

(11) Control of run-off, erosion, and agricultural and urban nonpoint source pollution;

(12) Stormwater management;

(13) Encouragement and promotion of soil conservation, land reclamation and land management to prevent and to control erosion and to improve water quality;

(14) The use of water within the basin for the generation of hydroelectric power;

(15) Control of withdrawals and diversions of surface water and ground water;

(16) Commercial and recreational navigation on the Kentucky River;

(17) Acquisition and utilization of the Kentucky River lock and dam system;

(18) The relationship of county long-range water resource plans to the authority's unified long-range water resource plan;

(19) The need for basin-wide and specific local land and water conservation measures and practices; and

(20) Any approval criteria established by the cabinet.

Section 5. Drought Response Plan. (1) The authority shall prepare a drought response plan for the Kentucky River basin, which shall at a minimum address the following:

(a) Identification of those flow rates in the mainstem Kentucky River at which the authority would declare a water shortage watch, a water shortage warning or a water shortage emergency for persons using the mainstem Kentucky River as a water supply source;

(b) Identification of criteria for declaring a water shortage watch, a water shortage warning, or a water shortage emergency for water suppliers and other persons using water in the Kentucky River basin who do not use the mainstem Kentucky River as a water supply source;

(c) Development of a methodology for equitably reducing withdrawals, diversions or transfers from the mainstem Kentucky River and for using the locks or other devices to manipulate flows and water

stored in the dams on the mainstem Kentucky River;

(d) Identification of alternatives for emergency public water supplies, such as large springs or interbasin transfers; and

(e) Inclusion of any approval criteria established by the cabinet.

(2) The authority may declare a water supply watch, a water supply warning, or a water supply emergency for all or a portion of the Kentucky River basin if conditions cause an actual or threatened shortage of water supply sources within the Kentucky River basin. The authority shall base its declaration on its drought response plan. The declaration shall identify the area affected and the types of water supply sources affected. The authority shall consult the cabinet before declaring a water supply emergency. The authority may request that the governor declare a water emergency as provided by KRS 151.200.

Section 6. Review of Applications for Cabinet Permits. While the cabinet is reviewing applications for permits, the authority may also review those applications and may offer to the cabinet comments on whether those permit applications comply with the requirements of KRS 151.700 through 151.730 and 405 KAR Chapter 1.

Section 7. Leak Detection Program. The authority may administer a leak detection program for water suppliers and water supply distributors in the Kentucky River basin.

(1) Eligibility shall be based on such factors as:

(a) Size of the service area;

(b) Suspected extent of leakage;

(c) Number of customers; and

(d) Ability to pay for a leak detection program without financial assistance.

(2) The authority may pay up to 100 percent of the cost of a leak detection program for a water supplier or a water supply distributor. (20 Ky.R. 879; eff. 12-17-93; Crt eff. 2-5-2020.)